

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 6 through 10, and 15 through 22 are pending, with Claims 1 and 10 being independent. Claims 1 and 10 have been amended.

Claims 1, 6 through 10, and 15 through 22 yet again were variously rejected under 35 U.S.C. § 103 over US 2001/0048770 A1 (Maeda), US 6,605,768 B2 (Date, et al.), US 6,188,831 B1 (Ichimura), and US 5,091,955 (Iseda, et al.), with Date, et al. being newly-cited. All rejections are respectfully traversed.

Claims 1 and 10 variously recite, *inter alia*, setting operation so that the first audio encoding unit or step (method for encoding general audio data) operates or is executed to encode the audio data irrespectively of whether the image encoding setting unit or step effects the setting of encoding, and the second audio encoding unit or step (method suitable for encoding speech data) operates or is executed to encode the audio data correspondingly to a time period during which the image encoding unit or step encodes, with the high quality, the partial region in each of the frame images in accordance with the setting by the image encoding setting unit or step, so that each of the first audio encoding unit or step and the second audio encoding unit or step encodes the audio data during the time period.

However, Applicant respectfully submits that none of Maeda, Date, et al., Ichimura, and Iseda, et al., even in the proposed combinations, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 10.

The Official Action acknowledges deficiencies of Maeda, and therefore relies upon Date, et al., Ichimura and Iseda, et al.. Applicant respectfully traverses such reliance. Applicant respectfully submits that Date, et al. discloses, e.g., that CELP may be applied to the vocal component, while a different compression method such as MIDI is applied to *another* channel, i.e., the other musical-instrument channel. Applicant respectfully submits that Ichimura discloses, e.g., that image data and/or audio data are compressed when the

level of importance is low, and for important intervals, those intervals are not compressed or the compression ratio is reduced so high quality is maintained (e.g., col. 18, lines 50-63), while Iseda, et al. discloses, e.g., plural entropy coders; however, Applicant respectfully submits that even if such could be combined with Maeda, arguendo, the combination would fail to disclose or suggest at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 10.

It is further respectfully submitted by Applicant that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicant
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

SG/jjr

FCHS_WS 2798922v1